

MAY 06 2005

Attorney Dkt. No. 51275/152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:
Theoharis C. Theoharides
Filing date: 3/30/2004
Serial No.: 10/811,859

Group Art Unit: 1654
Examiner: Patricia A. Leith

Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004
For: Olive Kernel Organic Extract Product: Solubility and Absorption Promoter

RESPONSE TO RESTRICTION REQUIREMENT AND CORRECTION OF FILING
RECEIPT

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement dated 05/04/2005 is inappropriate. It involves alleged claims 1-39. However, the Examiner appears not to have noticed that, concurrently with the CIP/DIV application filed 03/30/2004, there was also filed a Preliminary Amendment that (a) canceled claims 1-39, (b) amended the title, and (c) added new claims 40-48. A copy of this Preliminary Amendment is attached for the Examiner's convenience.

In addition, on 10/26/2004 and again on 11/17/2004 the applicant requested correction of the Filing Receipt to show the captioned correct title of the application. We have yet to receive a corrected Filing Receipt.

Date: 05/05/2005

Respectfully submitted,



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MAY 06 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Theoharis C. Theoharides

Filing date: TBA

Serial No.: TBA

Group Art Unit: 1614

Examiner: Charisse Evans

Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004

For: Olive Kernel Organic Extract Product: Solubility and Absorption Promoter

PRELIMINARY AMENDMENT

Commissioner for Patents

Box 1450

Alexandria, VA 22313-1450

Mail Stop: DIV/CIP PATENT APPLICATION (1.53(b))

Sir:

Prior to examination, please replace the original title with --Olive Kernel
Organic Extract Product: Solubility and Absorption Promoter

Prior to examination, please add after the title: --This application takes its
priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004

Prior to examination of the attached patent application, please delete
claims 1-39 recited therein, and replace with the following new claims:

40. An olive kernel organic extract.

41. The extract of claim 41, prepared by a process consisting of the steps of:

- (i) harvesting first collection ripe olives
- (ii) compressing the oil from the flesh of said ripe olives;
- (iii) harvesting the kernels remaining after said compressing;
- (iv) washing said kernels with water to remove debris so as to produce
washed kernels;

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- (v) drying said washed kernels with a stream of hot air;
 - (vi) crushing said dried kernels to produce an extract;
 - (vii) extracting the extract from step (vi) with an organic solvent and steam to obtain a crude organic extract;
 - (viii) removing particulates from said crude organic extract by centrifugation or microfiltration through a filter to produce a clarified organic extract; and,
 - (ix) evaporating said organic solvent and said water from said clarified organic extract by heating, while percolating an inert gas through said organic extract to prevent oxidation of components of said extract.
 - (x) storing the product of (ix) in the absence of air.
42. The extract of claim 41, wherein said olives are harvested in December.
43. The extract of claim 41, wherein said organic solvent is hexane, heptane or octane.
44. The extract of claim 41, wherein said microfiltering is done with a 1-2 micron pore size filter.
45. The extract of claim 41, wherein said organic solvent and water are removed in step (ix) at a temperature of 85-100 degrees C.
46. The extract of claim 41, wherein the final organic extract product contains <1% water, <3% acidity as oleic acid, and <1% of organic solvent.
47. The extract of claim 41, wherein the final organic extract product contains polyphenols.
48. A method of increasing the absorption across the intestinal mucosa, oral mucosa, nasal mucosa and skin of a subject of an administered composition of matter that is difficult to absorb, comprising the step of admixing said composition with the olive kernel extract product of any one of claims 40-47 in ve proportions that permit maximum solubility in the extract product and maximum absorption into the circulation, prior to administration of said composition to said subject.

Remarks

It is the intent of the applicant to limit the claims of this

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divisional/continuation in part patent application to claims for the inventive olive kernel organic extract product and its use. All elements of these claims are fully disclosed in the specification. To accentuate this limitation, the title of the application has been changed.

03/30/2004

Respectfully submitted,

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